

KENTUCKY BOARD OF RESPIRATORY CARE

SUMMARY MINUTES

December 4, 2008

A special meeting of the Kentucky Board of Respiratory Care was held at 5:35 p.m., on Thursday, December 4, 2008 at Murrays Restaurant, 3955 Harrodsburg Rd., Lexington, KY.

MEMBERS PRESENT

Dr. Byron T. Westerfield, Chair
Tami McDaniel, Vice-Chair
Klaus Becker
Janet Vogt
James P. Bronson, Jr.
Jeff W. Knight
Dr. David Hasselbacher

KBRC STAFF

Peggy Lacy Moore, Executive Director
Rick L. Rose, Administrative Assistant

OTHER

Cheryl Lalonde, AAG
Tom Floro, Investigator

Dr. Westerfield, Chairman called the meeting to order at 5:56 p.m., at Murrays Restaurant, 3955 Harrodsburg Rd., Lexington, KY.

Cheryl Lalonde, Assistant Attorney General and legal counsel for the Board was called on to administer the oath of office to Tami McDaniel, Vice-Chair; Janet R. Vogt and Dr. David Hasselbacher. The members were appointed by Governor Beshear on October 17, 2008 to serve a three-year term expiring October 31, 2011.

Minutes

Klaus Becker moved to approve the October 9, 2008 minutes; seconded by Tami McDaniel. Motion carried unanimously.

Report from CEU Committee - Continuing Education

Jim Bronson gave a report on review and approval of the 210 audit renewal applications for 2009. This year there are 1,804 regular renewals to renew for a total of 2,014 folks. Mr. Bronson stated he had reviewed about thirty audits and so far they looked good.

The Board approved Janet Vogt and Jim Bronson to the Education Committee. Mrs. Vogt will approve CEU's and Mr. Bronson will approve the audit renewals and they will work together with the staff to review the 2010 audits.

Janet Vogt and Jim Bronson, Education Committee members, discussed the procedure on the current audit process for CEU's. Mr. Bronson stated the way we are currently auditing CEU's is just a courtesy inspection. Mrs. Vogt stated we could renew all the folks and then send out the audits for CEU's after the renewal window closes; during February through April. Dr. Hasselbacher agreed we should audit after the renewals are completed. Staff requested to meet

with the Education Committee to work out details prior to circulating information and paperwork for the 2010 renewal cycle.

Tami McDaniel made a motion for the 2010 audits for CEU's to be processed in the first quarter of 2010 (February through April) after the renewal window is closed on January 30, 2010. The motion was seconded by Dr. David Hasselbacher and carried unanimously.

Mrs. Moore told the Board Pat Fisher requested to be considered as an investigator since Mrs. Vogt was returning to the Board. Ms. Lalonde stated the Board historically called on members of the profession to do investigations and it may wish to consider CLEAR training at some future point for its investigators. The Board will continue to direct investigations to Mrs. Vogt and Mr. Floro as needed. Ms. Lalonde advised some boards enter into personal service contracts for investigators. Dr. Westerfield stated the board would have to use its best judgment assigning cases for investigation.

Agreed Orders:

Shirley Henderson KY # 0086 Agreed Order 5/20/05 & Amendment 10/16/06

Ms. Lalonde reported Shirley Henderson is compliant and her case is pending. Ms. Henderson is not currently licensed with the Board.

Katrina A. Baker KY # 0208 – AO 4/20/06; Amended 3/16/07 & 8/9/2007; AO 3/18/07

Ms. Lalonde advised Katrina Baker must eventually be able to document one (1) year of continued sobriety since signing her amended Agreed Order on March 18, 2007. Her case is pending and Ms. Baker does not have a current license with the Board.

Sharon Barnes KY # 0556 – AO 5/20/05 & Amended 8/17/06; March 18, 2008

Ms. Lalonde advised the Board she did not anticipate Ms. Barnes to petition the Board for reinstatement of her respiratory licensure until sometime in 2010. Ms. Barnes will appear in Court at the end of October and it is anticipated that she will have to serve a one year sentence for stealing drugs at a patient's residence. The Board will await the outcome of the criminal case against Ms. Barnes. Case Pending.

Tami D. Balser KY # 2181 – KYPRN Agreement & AO 8/13/2008

A letter was sent to Ms. Balser on October 15, 2008, reinforcing her obligation to comply with her Agreed Order and her KYPRN Monitoring Agreement.

Debra J. Moore KY # 0339 – AO 10/2008

Ms. Lalonde advised Debra J. Moore signed the Agreed Order and voluntarily surrendered her respiratory license as permanently revoked.

Kim Deaton KY # 3627 – AO 11/19/2008

Ms. Lalonde advised Kim Deaton must eventually enter into and work the KYPRN program with Mr. Fingerson, and be able to document (6) months of continued sobriety. Ms. Deaton has moved to Ohio. Case Pending.

Complaints

Pursuant to KRS 61.810 (1) (c) and (j), Tami McDaniel made a motion for the Board to go into closed session to discuss proposed or pending litigation and individual adjudications. The motion was seconded by Dr. Hasselbacher, and carried unanimously.

Tami McDaniel moved to come out of closed session; seconded by Jeff Knight. Motion carried unanimously.

A. Delrena G. Lucas – KY # 5603

The Board requested Ms. Lalonde to draft an Agreed Order with a three-month suspension for Ms. Lucas. The motion was seconded by Jim Bronson and carried unanimously.

B. Richard T. Dials – KY # 3996

Tami McDaniel made a motion to continue the Richard Dials case. A subpoena will be issued for Investigator Janet R. Vogt to present to the Sav-Right Pharmacy for the medications issued to Mr. Dials. Mrs. Vogt will report her findings at the next meeting; motion was seconded by Jim Bronson and carried unanimously.

C. Debra Hotka & Lincoln Medical Supply Co.

Tami McDaniel made a motion for Ms. Lalonde to draft a cease and desist letter to Ms. Hotka and to continue the case pending Debra Hotka's response; motion was seconded by Jim Bronson and carried unanimously.

D. Scotty D. Halsey – KY # 2138

Dr. Hasselbacher recused himself from this case. Tami McDaniel moved for Ms. Lalonde to draft an impairment order with usual terms and five years probation. The motion was seconded by Klaus Becker and carried unanimously.

E. Jerrell D. Cloud – KY # 2265

Tami McDaniel made a motion to dismiss the complaint case filed against Jerrell D. Cloud without prejudice due to insufficient evidence. The motion was seconded by Jim Bronson and carried unanimously.

New Business

CoARC Letter to AARC & State Boards

Tami McDaniel stated the information from the Committee on Accreditation for Respiratory Care (CoARC) was an FYI informing agencies that they are leaving the CAAHEP system. Jim Bronson spoke on the issue and Mrs. Vogt informed the Board that Spencerian College wanted a respiratory program.

Terry Clark KY # 0742 – Approval for 2009 Renewal/Has KYPRN

Mr. Clark self reported and recently entered into a KYPRN Agreement with Mr. Fingerson. Jeff Knight made a motion for Ms. Lalonde to draft an impairment order that includes usual terms and five years probation. Mr. Clark's 2009 renewal will be processed as soon as he signs the Agreed Order. The motion was seconded by Jim Bronson and carried unanimously.

John “Jack” Harrison KY # 0285 – Approval for 2009 Renewal/Has KYPRN

Jeff Knight made a motion for Ms. Lalonde to draft an Agreed Order for John “Jack” Harrison. Mr. Harrison entered into a KYPRN Agreement with Mr. Fingerson a year ago. Mr. Harrison's 2009 renewal will be processed as soon as he signs the Agreed Order and it shall include usual terms and five years probation. The Board granted Mr. Harrison one (1) year of credit toward his five (5) year probation for successfully working the KYPRN program commencing in February 2007. The motion was seconded by Jim Bronson and carried unanimously. Klaus Becker recused from this case.

Tammy R. Payne KY # 3287 – Approval for 2009 Renewal

Ms. McDaniel made a motion to renew the 2009 licensure of Tammy R. Payne. Ms. Payne admitted she had a misdemeanor for a DUI that was amended to public intoxication and disorderly conduct in 2006; the motion was seconded by Janet Vogt and carried unanimously.

Charlotte Dreux KY # 0773 – Approval for 2009 Renewal

Janet Vogt made a motion for Ms. Lalonde to draft a standard impairment Agreed Order for Charlotte Dreux in conjunction with the terms of a KYPRN Agreement. Ms. Dreux's 2009 renewal will be processed as soon as she signs the Agreed Order. The motion was seconded by Jim Bronson and carried unanimously.

Announcements

Dr. Westerfield announced he thought the KY Sleep Society would be pushing for licensure for sleep techs in 2009. Dr. Westerfield requested the Board not get involved in any discussions and if licensure is approved they would most likely come under the umbrella of the KBRC and be administered by this Board. The Board may be asked to testify at a legislative sub-committee hearing next summer. Dr. Westerfield asked that individual members not get involved in meetings or discussions and stay objective.

Tami McDaniel stated she and Kathryn Hansen, Executive Director of the KY Sleep Society met before she stepped down as President of the KSRC. Mrs. McDaniel stated she had no problem with removing herself from any meetings or discussions on the licensure of sleep techs.

Ms. Lalonde told the Board it has a legitimate interest in potential legislation if sleep techs will fall under the Board's jurisdiction and responsibility. If that is proposed, the Board should have discussions to decide whether it can take on additional licensees.

Mrs. Moore stated the budget process would commence around September 2009 and our draft budget is due at GOPM by November 1, 2009 for the FY 2011-2013 biennial budget.

The next meeting will be held on Thursday, February 19, 2009 at 5:30 p.m., at the KBRC Conference Room, 2624 Research Park Drive, Suite 304, Lexington, KY.

Application Review

A motion was made by Klaus Becker to accept all **27** applications since the last meeting; seconded by Tami McDaniel. Motion carried unanimously.

The following **Student applications (6)** were approved:

Jennifer Michelle Carder, Nellie J. Hieb, Sarah K. Hosler, Brittany N. Mason, Ronald E. Richardson, Tara N. Wagers.

The following **Temporary applications (0)** were approved:

N/A

The following **NBRC applications (9)** were approved:

Brandi C. Damron, Jeremy S. Fugate, Lucas R. Harris, Garry E. Massie, LaDonna K. Mullins, Jay R. Patel, Katie Lea South, Shannon M. Smith, Victoria Krepps Terrell.

The following **Reciprocity applications (12) were** approved:

Beverly A. Berger, Kathy L. Bilbo, Andrew J. Bowman, Vivian K. Brown, Chad N. Eads, Leslie L. Ferguson, Nicole R. Garver, Prince A. Jegede, Evan M. Lull, Brenda S. Moreland, Amanda Pennington, Amber L. Russell.

Jeff Knight made a motion to adjourn the meeting at 8:45 p.m.; seconded by Jim Bronson. Motion carried unanimously.

Dr. B.T. Westerfield, Chair
KY Board of Respiratory Care